

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN A. PAULSEN,

Plaintiff,

- against -

STIFEL, NICOLAUS & COMPANY,
INCORPORATED and
STIFEL FINANCIAL CORP.

Defendants.
-----X

Case No.: 18-cv-9440

NOTICE OF REMOVAL

Defendants Stifel, Nicolaus & Company, Incorporated and Stifel Financial Corp. (collectively, "Stifel"), by their undersigned counsel, hereby remove this action from the Supreme Court of the State of New York, New York County (the "New York State Court") to this Court. Removal is based on diversity of citizenship pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

1. On September 17, 2018, plaintiff John A. Paulsen ("Paulsen") commenced this action in New York State Court. Copies of the Summons and Complaint filed in the New York State Court, and the related attachments, are annexed hereto as Exhibit A. These documents constitute all "process, pleadings and orders" served on the defendants in the State Court Action. *See* 28 U.S.C. § 1446(a).

2. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332, and this matter may therefore be removed to this Court on the basis of diversity jurisdiction.

Specifically, as described more fully below, this action is between citizens of different states, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

3. This Notice of Removal is filed in the district court of the United States for the district in which this matter is pending.

4. On September 17, 2018, Stifel received an email from plaintiff's counsel notifying it of the filing of the Summons and Complaint in New York State Court. On September 21, 2018, Stifel's registered agent was served with the Summons and Complaint and the related attachments, all of which are annexed hereto as Exhibit A.

5. Pursuant to 28 U.S.C. § 1446(b)(1) and Rule 6(a) of the Federal Rules of Civil Procedure, removal is timely because this Notice of Removal was filed within 30 days after Stifel received a copy of the Complaint.

6. Contemporaneously with the filing of this Notice of Removal, Stifel is providing written notice of this removal to plaintiff's counsel, and will file a copy of this Notice of Removal with the clerk of the New York State Court, "which shall effect the removal and the State Court shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d).

DIVERSITY OF CITIZENSHIP

7. The federal jurisdiction statute provides that "a corporation shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business." 28 U.S.C. § 1332(c)(1).

8. Plaintiff John A. Paulsen is a citizen of the State of New Jersey.

9. Defendant Stifel, Nicolaus & Company, Incorporated is incorporated and has its principal place of business in the State of Missouri. Accordingly, it is a citizen of the State of Missouri for purposes of diversity jurisdiction.

10. Defendant Stifel Financial Corporation is incorporated in the State of Delaware and has its principal place of business in the State of Missouri. Accordingly, it is a citizen of Delaware and Missouri for purposes of diversity jurisdiction.

11. Accordingly, there is complete diversity between the parties to this action.

12. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. The Complaint does not demand a specific sum from defendants, but rather seeks nonmonetary relief, including declaratory relief that Plaintiff is entitled to advancement of certain attorneys' fees and that he is entitled to recover certain fees. This Notice of Removal may assert the amount in controversy if the initial pleading seeks nonmonetary relief. 28 U.S.C. § 1446(c)(2)(i).

CONCLUSION

13. For the foregoing reasons, diversity jurisdiction exists under 28 U.S.C. § 1332. Stifel therefore removes this action from the New York State Court to this Court and requests that further proceedings be conducted in this Court as provided by applicable law.

14. Nothing in this Notice of Removal shall be construed as a waiver by Stifel of any of its defenses to the claims alleged in the Complaint.

Dated: New York, New York
October 16, 2018

MURPHY & McGONIGLE, P.C.

By: 

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